

LEGISLATIVE SUMMARY OF EDUCATION-RELATED ACTS FOR 2001

This document provides a brief review of legislation that passed during the first year of the 2001-2002 biennial session that may be of interest to the education community.

The following information is listed according to the act number. In parentheses is the number of the bill as it originated in the House or Senate. Clicking on the link will take you to the appropriate bill on the Vermont Legislative Web site (<http://www.leg.state.vt.us>).

Act #2 (H. 281) An Act Relating to the Repeal of a Sunset Provision

This Act involves legislation that was passed in 1997 as part of Act 138. It permitted approved and recognized independent (private) schools, including sectarian schools, to participate in inter-municipal insurance programs such as VSBIT. That bill carried a sunset and Act 2 repeals the sunset.

Act #8 (S. 88) An Act to Update Education Statutes to Reflect Recent Changes in Law

This Act was initiated by the Department to update education laws to correct technical problems identified over the past few years. It includes, among other things, the following provisions:

Removal of inadvertent lingering references to Public School Approval standards.

Update of language establishing the new school quality process for independent schools “meeting public standards.” It makes clear that independent schools can undergo the school quality process as they could under the PSA process. However, if they fare poorly, they may receive technical assistance but are not subject to any of the other enforcement mechanisms applicable to public schools.

Removal of a lingering incorrect reference to the cash method of accounting.

Re-codification of Vermont statutes regarding the state interagency team and correction of a federal special education statutory citation.

Harmonizing the three parts of the special education funding formula with respect to which school districts receive assistance.

Clarification of the definition of school districts with particular reference to interstate school districts.

Clarification of how payments are made on behalf of students attending the Vermont Academy of Science and Technology in Randolph.

Extension of the sunset and the limitation on the number of students residing in gores and unorganized towns.

Act #11 (H. 223) An Act Relating to Providing Adjustments in the Amounts Appropriated for the Support of Government

The Budget Adjustment Act of 2001 has a number of sections that refer to education.

Sec. 23 Special Education Formula Grants

Sec. 24 State-placed students

Sec. 25 Construction interest aid

Sec. 25a Grants adjustments

Increase in special education aid to towns with fewer than 100 equalized pupils and special education cost increases above the statewide average.

Payment to the town of Coventry for an error they made in the state-aid student count before Act 60 was enacted.

Sec. 26

Increase in local share payments to Lunenburg and Milton that were reduced under current law because school budgets in those towns were not adopted before June 1st. This section also provides additional funding to Baltimore to pay for an unexpected increase in special education costs.

Sec. 57

Reduction of \$384,000 in the appropriation to the Department of Education from the tobacco fund settlement.

Act #16 (S.25) Study of American Sign Language

This Act:

Recognizes American Sign Language (ASL) as the official language of the American deaf community.

Authorizes any public or independent school in Vermont to offer credit in American Sign Language as if it were a foreign language for which credit would otherwise be awarded.

Requires the Commissioner, in collaboration with others, provide information to schools interested in offering courses in ASL.

Requires the State Board of Education to adopt a rule establishing standards for issuing licensing endorsements in ASL.

Has the Commissioner work with post-secondary institutions to encourage them to accept secondary credits in ASL as if they were awarded in a foreign language and to develop programs in ASL.

Act #19 (S. 86) An Act Relating to Approval of Post-Secondary Institutions

The Department worked together with the Vermont Higher Education Council to initiate this legislation. This Act was designed to address several concerns in connection with the approval of courses or degrees offered by post-secondary institutions doing business in Vermont. In particular, the existing eighteen-month grace period for in-state institutions to operate before receiving approval had served to be more of a loophole than an incentive for innovative programs. Among changes, this Act closes this loophole and in-state and out-of-state institutions are now on similar footing.

Act #22 (S. 165) An Act Relating to Designation of One or More Independent or Public Schools as the Elementary and Secondary Public Schools of the St. George Town School District

The town of St. George maintains neither an elementary nor a high school and has relied upon neighboring school districts to educate its students. Williston, in particular, has taken the responsibility of educating the elementary students from St. George, but has decided due to capacity concerns not to after this year. Under the existing law, a public school can only designate a public elementary school or an independent high school. This leaves St. George unable to designate an independent elementary school or a public high school. This Act will permit them to do so. This bill is specific to St. George and is enabling rather than mandatory. The House added a requirement that the Department of Education provide the General Assembly with information necessary to see if the expanded options made available to St. George should be made available statewide.

Act #31 (H. 314) An Act to Ensure that Every Union School Board Follows the Proportional Representation Principle

The United States Constitution requires equal voting strength for all voters in governmental units made up of more than one municipality, such as union school districts. There have been three federal cases brought in Vermont, among other places, to establish this principal. The Act directs the Commissioner of Education to distribute to each superintendent and chair of a union school board information on the “one person/one vote” principle along with other information on how best to carry out this requirement. The Commissioner will request each union school board to examine its own composition and report back by December 1, 2001 as to whether and how it meets the constitutional requirements.

By July 1, 2002 the Commissioner will review each submitted report and issue an advisory opinion with suggested models for correcting any problems that may be identified. Finally, the Commissioner is required to prepare a report by January 15, 2003 on the status of union high school boards in Vermont.

Act #33 (H. 495) An Act Relating to Regional Technical Centers

This Act enables, but does not require, regions to adopt innovative governing structures for their technical centers.

Section 1 of the Act

Declares the finding and purposes of the Act to enable technical center governance that includes:

Broad representation for all sending districts and other important partners, such as business, post-secondary, or other community entities.

A strong and consistent focus on technical education needs and issues.

Adequate financial and programmatic accountability.

Section 2 of the Act

Allows for regional workforce investment boards to assume the responsibilities of regional technical center advisory boards, if mutually agreed upon.

Section 3 of the Act

Adds new sections of law to Title 16 as follows:

Sec. 1572

Sets out the process and basic parameters whereby a region can plan for a new governance structure. Planning committees may be formed by any two or more of the following: the host school district board, the majority of boards from sending districts, or a regional workforce investment board. Key features of any plan must include:

The makeup of the proposed governing board. At least 60 percent of board members must be either elected, or chosen from elected members of school district boards. Up to forty percent may be appointed by the elected members for the purpose of acquiring expertise in areas they consider desirable. These appointments would be fully participating board members.

A process for approval of the annual budget, which may be by direct vote of the voters of the region or by a vote of the school district boards in the region.

A process for amending or dissolving the governance structure.

Bylaws, transition plan, etc.

Sec. 1573

Provides that the State Board of Education, after receiving recommendation from the Commissioner and Chair of the HRIC, and after opportunity for community input, shall approve the alternative governance structure if it finds this will be in the best interest of the students and the region involved.

Sec. 1574

If the State Board approves, all school districts within the region involved must then vote on the adoption of the alternative governance structure.

Sec. 1575

Provides for certification procedures regarding the voting process.

Sec. 1576

If approved by the State Board and the voters, the technical center region will become a public school district and shall constitute a body politic and corporate, with all rights and responsibilities pertaining thereto, including laws relating to school choice.

Sec. 1577

The duties and authority of the alternative governance board are enumerated. Examples include:

Determine the educational policies for the center.

Have the possession care, control and management of the property of the center.

To lease or purchase real and personal property.

To employ such persons as may be required to carry out the work of the center.

Secs. 1578 and 1579

Address the authority and the process for these new entities to issue bonds. Essentially, this section is parallel to what is used for union school districts.

Section 4 of the Act

Allows existing governing boards of pilot projects or a planning committee endorsed by a pilot project to act as the planning committee for the purpose of planning an alternative governance structure.

Provides that existing pilot governing boards must receive approval for a governance structure consistent with this Act within three years or revert to the pre-existing governance structure.

Section 5 of the Act

This section adds "regional technical center school districts" to the list of school districts for which the State Treasurer may issue bonds.

Section 6 of the Act

Repeals an existing section of Title 16, relating to union municipal districts and inter-local contracts.

[Act #34 \(H. 499\) An Act Relating to Sharing of Special Education Services Costs](#)

This Act is designed to relieve the burden borne by property tax payers of the costs of special education services by reallocating costs to human services agencies where possible. This Act directs the Commissioner of Education and the Secretary of the Agency of Human Services to present to the House and Senate committees on Education and Health and Welfare a draft interagency agreement by September 1, 2001. The object is to begin to identify how a portion of services currently paid by school districts under special education costs will be reallocated to the Agency over a three-year period. A final draft of the agreement is due by December 1, 2001.

[Act #52 \(H. 214\) An Act Relating to Distribution of Regulated Drugs](#)

This Act generally revises the penalty enhancement provisions associated with selling illegal drugs on school buses or school grounds. It expands the school areas for which the penalty enhancement could be applied to include all real property "owned, leased, controlled or subcontracted by a public or independent school."

[Act #61 \(H. 478\) An Act Relating to Capital Appropriations and State Bonding](#)

Sec. 6 (a)

Appropriates \$11,582,912 to the Department of Education for state aid for school construction projects.

Sec. 6 (b)1

Appropriates \$400,000 to be distributed in equal amounts to regional technical education centers and comprehensive high schools for the purchase of educational program equipment.

Sec. 6 (b)2

Appropriates \$65,000 to support the development of a workforce development center in agriculture by the Hannaford Career Center in Addison County.

Sec.6 (c)1

Appropriates \$250,000 for the Lake Champlain Regional Chamber of Commerce to complete the preliminary work for a comprehensive technical academy and workforce development center to serve youth and adult learners in the Chittenden County area.

Sec. 6 (c)(2)

Appropriates \$950,000 for the planning, design and engineering of a new stand-alone facility for the North Country Career and Technical Center.

Sec. 6 (d)

Appropriates \$650,000 to the Department of Buildings and General Services for the Austine School for the Deaf and Hard of Hearing in Brattleboro for renovations to Holton Hall.

Sec. 6 (e)

Specifies that the North Bennington School District shall receive 30 percent construction aid for renovations completed in 2000.

Sec. 6 (f)(1)

Specifies that the St. Johnsbury School District shall receive 100 percent construction aid for costs not to exceed \$40,000 to enable the installation of a wood chip heating plant.

Sec. 6 (f)(2)

Specifies that the Barre Supervisory Union shall receive 50 percent construction aid for the incremental costs to install a wood chip heating plant.

Sec. 6 (g)

Appropriates \$100,000 to the Department of Buildings and General Services for the continuation and expansion of the vocational training program for offenders.

Sec. 17 (2)(H)

Appropriates \$100,000 for phase two funding for the Baird Center for Children and Families in Burlington.

Sec. 17 (2)(QQ)

Appropriates \$10,000 for the purchase of chairs at the Pearly-Collins Sports Complex in St. Albans.

Sec. 17 (RR)

Appropriates \$20,000 to the St. Johnsbury Athenaeum for improvements to the entrance of the building.

Sec. 23

Transfers funds remaining from surplus one-time appropriations used to defray future school construction obligations.

Sec. 60

Amends 16V.S.A. §3448, school construction law, to increase the percentage of state aid for renewable energy projects.

Sec. 68

North Country Career and Technical Center Facility Design — Authorizes planning and design of the facility by the Commissioner of Buildings and General Services in consultation with various state and local education officials.

Sec. 69 (c)

North Country High School Board authorization to purchase land for siting the technical center facility.

Sec. 74 §3502

School Age Care in Public Schools; Twenty First Century Fund

Sec. 75 (a)

Changes law to require maintenance of school district transportation policies in the principal's office rather than town clerk's office.

Sec. 76 (b)

Changes law to remove requirements for town clerks to maintain school registers.

Sec. 83

Vocational Training and Distance Learning for Vermont Inmates — Study Committee

Act #63 (H. 485) An Act Making Appropriations for the Support of Government

The Appropriations Act provides the funding for state and local government. In addition to the amounts appropriated for the Department of Education and local school districts through the various funding formulae (Act 60, special education, technical education, small schools, driver education, etc.) the Appropriations Act contains the following provisions:

Sec. 40a

Study on Land Use Implications of Tax Policy Changes

Sec. 58

Appropriation of \$200,000 to the Vermont Student Assistance Corporation for the National Guard Scholarship Program.

Sec. 97

Codifies the establishment of a research partnership between the Secretary of Human Services, the Commissioner of Education and the President of the University of Vermont to study and make recommendations for improving the effectiveness of state and local health, human services, and education programs.

Sec. 106

Appropriation of funds for correctional education.

Sec. 116

Establishment of the Commission on Tobacco, Alcohol and Substance Abuse Addiction. The Commissioner of Education is appointed as a member of the commission.

Secs. 156-178

General education and property tax support

Sec. 159

Amends 16 V.S.A. §1567(a) relating to technical education overhead costs (incorporating the proposed provisions of H. 348)

Sec. 160

Act 117 Cost Containment

Sec. 161

Adult Basic Education

Directs the Department of Education to develop a system of standards and accountability for adult basic education.

Sec. 162

Creates four positions for school-based anti-tobacco, alcohol and substance abuse programs.

Sec. 163

Fund appropriations and transfers

Sec. 163 (b)

Appropriates \$450,000 in FY 2002 and each year thereafter from the education fund to the Commissioner for the purpose of awarding grants to technical centers for up to three years to support innovative program development responding to emerging technologies and providing high-skill, high-wage employment.

Sec. 163 (c)

Appropriates \$50,000 in FY 2002 to the special education fiscal review panel.

Sec. 163 (d)

Includes \$17,000 in FY 2002 for the purpose of civic education.

Sec. 163a through 163g

Property tax adjustments

Sec. 164 (a)

Makes eligible the Athens School District for the small school support grant for FY 2001.

Sec. 165a

Determination of yield amount and amounts due to or from the Education Fund (Incorporating the proposed provisions of H. 29)

Sec. 166

Special Education — Success Beyond Six

Sec. 167

State-Placed Students

Sec. 168

Capital Debt Service Aid

Sec. 169

Education — Transportation

Sec. 170

Education Grants — Includes block grants, National Teacher of the Year Grant and \$5,000 for the Rutland High School Band.

Sec. 170a

Appropriates \$100,000 to the Vermont State Colleges for the “Coming Home” Endowment

Sec. 170b

Amends 16V.S.A. §4011(a) to set the base general state support grant in FY 2002 at \$5,448.00.

Sec. 170c

Amends 16V.S.A. §2948 (c) to establish an annual increase for the early essential education grant.

Sec. 172

Predicted yield for FY 2003 and beyond

Sec. 174

Appropriates funds for the State Teachers’ Retirement System (Incorporating the proposed provisions of H. 200)

Sec. 176a

Amends 16V.S.A. §777D regarding Australian balloting and reconsideration of bond votes in interstate school districts

Sec. 178

Total General Education and Property Tax Support

Sec. 260b

One-Time Appropriations:

(1) To the Joint Fiscal Committee to support costs associated with an analysis of Act 60 alternatives. \$20,000

Sec. 261b

(31) To the Department of Education for a grant to the Vermont Center for the Book for Early Reading Initiatives. \$50,000

(32) To the Department of Education for support of debate and forensic speaking programs. \$17,000

(33) To the Department of Education to support strategies to recruit teachers into the profession. \$45,000

(34) To the Department of Education to award grants, upon application by school principals, for the purpose of providing services to children who stutter. \$75,000

Sec. 275

Special Education; Statewide Programs

Sec. 276

Amends 32 V.S.A. §5402 (c) clarifying balances to be paid to the school district.

Sec. 277

Amends 16V.S.A. §4025(b)(3) clarifying the portion attributable to education taxes.

Sec. 279

Valuation Appeals and Recalculation of Education Tax Liability

Sec. 280

Youth Initiative

Sec. 280 (b)(1)

A comprehensive juvenile justice strategy to assist youth under the age of 21 is established.

Sec. 280c

A joint legislative study committee on Vermont teens and Youth Services is created.

Sec. 281

A committee to study charter schools is created.

Sec. 283

Effective Dates

Act #65 (H. 496) An Act Relating to Executive Branch Fees

This Act, known as the Fee Bill, includes increases in licensing fees for educators.

- The fee for processing initial applications is increased from \$25 to \$35.
- The fee for the issuance of an initial license is increased from \$25 to \$35.
- The fee for a license renewal is increased from \$25 to \$35.
- The one-time fee for the peer review process is increased from \$800 to \$1,200.